

OFFICE OF THE
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STATE OF ALABAMA

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Honorable Paul R. Hubbert
Ex Officio Secretary
Alabama State Tenure Commission
P. O. Box 4177
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Schools - Instructional Fees
and Materials - Education -
Tenure Commission

Classroom teachers may use instructional supply funds to purchase staples, glue, tape and other materials used in construction of bulletin boards and learning centers for students.

Instructional supply funds may be used to purchase mini-blinds for classroom where such blinds are necessary to achieve proper lighting conditions for viewing educational films, filmstrips and videotapes.

Instructional supply funds may not be used to purchase carpeting which is permanently affixed to classroom floor. Such funds may, however, be used to purchase area rugs or carpeting not permanently attached if said floor covering is necessary for floor-learning activities at kindergarten level.

Dear Dr. Hubbert:

This opinion is issued in response to your request for an opinion from the Attorney General.

QUESTIONS

Can a classroom teacher use instructional supply funds for the purchase of:

- (a) materials such as staples, glue, tape, etc., that are used in the construction of bulletin boards and learning centers for students?
- (b) mini-blinds, since it is important to have adequate shading in the classroom in order to present instruction through the medium of films, filmstrips, video tapes, etc.?
- (c) Also, can a kindergarten teacher purchase carpet for her classroom since many children of these ages engage in many floor-learning activities?

FACTS AND ANALYSIS

In the opinion request you state the following:

The need for fees for instructional supplies was expressed because it is not advocated that teachers or other personnel use their own financial resources for purchasing the items enumerated above. In many of our school systems the use of instructional supply funds is limited to a very narrowly defined area. It is my hope that you will be able to render an opinion that will give greater latitude and decision-making power to classroom teachers in the use of instructional supply monies for those items and materials that will enhance the learning process and the instruction in Alabama's public schools.

Section 3.A7(a)(5) of the Education Budget for fiscal 1988-1989, Act 88-692, 1988 Special Session, provides as follows:

"Of the appropriation hereinabove made for Classroom Instructional Supplies there is hereby appropriated an amount not to exceed five hundred fifty dollars (\$550) per teacher unit for grades K-12 for all teachers employed (except ECIA Chapter 1 and 2 teachers). Notwithstanding the provisions of Code of Alabama 1975, as amended, Section 16-13-40, the above appropriation of \$21,711,250 shall be expended solely for the purchase of instructional supplies to be used in the classrooms within each public school system. Each local school superintendent shall submit a notarized affidavit to the State Department of Education certifying that funds appropriated in this section have been expended only for instructional supplies or instructional equipment for classrooms as provided and required in Section 16-13-13, Code of Alabama, 1975, as amended. On the affidavit, the superintendent shall state the amount of funds expended for use by classroom teachers and the amount of funds expended for collective purchases for instructional purposes. The affidavit of expenditures shall be subject to audit by the Examiners of Public Accounts. Any person expending funds not in compliance with this appropriation or Section 16-13-13, Code of Alabama, 1975, as amended, or falsifying certification of expenditures, shall be guilty of a Class A misdemeanor."

Moreover, Code of Alabama 1975, § 16-13-13 provides in pertinent part:

"(a) The funds provided under the Education Appropriations Act for the purchase of instructional supplies and materials and appropriated to the state board of education for all teachers employed (except ESEA Title I, Title III, and Title IV teachers and ESAA teachers) shall be allocated by the state board of education to

each county and city board of education for the purchase of instructional supplies, materials, and equipment, excluding furniture and fixtures. From the funds provided herein above, each county and city board of education shall allocate to the individual schools in their respective systems their pro rata amount as may be appropriated by the legislature for each teacher unit assigned to each school.

"(b) All faculty members will be given the opportunity for input. The faculty and principal of each school shall cooperatively develop a budget for the purchase of instructional supplies and materials and, by a majority vote of the faculty, approve a budget for the school. At least one-half of the amount allocated shall be available for each teacher for materials and supplies for that teacher's students provided, however, any teacher may sign a waiver releasing said funds for joint purchases within the schools. No board of education shall withhold from any school any funds to which it is entitled under the provisions of this section except during years of proration. Based upon the budget developed by the faculty, the principal shall recommend to the superintendent the recommended amount to be allocated to each teacher to be spent for agreed upon items and other amounts to be used for the common good of all for the operation of the instructional program within the school. The local school board shall issue requisitions for purchases from these funds and shall issue purchase orders and handle all financial transactions in compliance with this section."

It is the opinion of this office that materials such as staples, glue and tape which are used in the construction of bulletin boards and learning centers would fall within the meaning of "instructional supplies" as that term is used in Act

No. 88-692 and § 16-13-13, supra, and thus, instructional supply funds may be expended by a classroom teacher for the purchase of these and similar items.

It is further the opinion of this office that mini-blinds could properly be considered to be "instructional equipment" as that term is used in Act No. 88-692 where such blinds are necessary to achieve proper lighting conditions for the viewing of educational films, filmstrips and videotapes in the classroom.

With regard to your last question, we note that § 16-13-13 prohibits the use of funds provided under the Education Appropriations Act to purchase furniture and fixtures. It is therefore our opinion that instructional supply funds may not be used to purchase wall-to-wall carpet which is permanently installed in the classroom.

However, if such carpeting is needed for floor-learning activities at the kindergarten level, it is our opinion that such a floor covering would fall within the definition of "instructional equipment," and instructional supply funds may be used to purchase area rugs or carpeting so long as the carpeting is not permanently affixed to the classroom floor.

CONCLUSION

Classroom teachers may use instructional supply funds to purchase staples, glue, tape and other materials used in the construction of bulletin boards and learning centers for students.

Instructional supply funds may be used to purchase mini-blinds for the classroom where such blinds are necessary to achieve proper lighting conditions for the viewing of educational films, filmstrips and videotapes.

Instructional supply funds may not be used to purchase carpeting which is permanently affixed to the classroom floor. Such funds may, however, be used to purchase area rugs or carpeting not permanently attached if said floor covering is necessary for floor-learning activities at the kindergarten level.

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I hope this sufficiently answers your questions. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

DON SIEGELMAN
Attorney General
By:

A handwritten signature in cursive script, appearing to read "Jean Williams Brown".

JEAN WILLIAMS BROWN
Assistant Attorney General

DS/JWB/jho
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